

AMENDED IN SENATE APRIL 18, 2006

SENATE BILL

No. 1569

Introduced by Senator Kuehl

February 23, 2006

An act to amend Section ~~18937~~ of 14005.2 of, to add Section 13283 to, and to add Chapter 10.4 (commencing with Section 18945) to Part 6 of Division 9 of, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1569, as amended, Kuehl. ~~Cash assistance~~ *Human services*: immigrants.

Under existing law, the State Department of Social Services is required, after setting aside necessary administrative funds, to allocate all federal social services funds derived from the federal Refugee Act of 1980, which are required to be used for certain training of eligible refugees, to each eligible county, in the same proportion that refugees receiving aid in each eligible county bear to the total refugees receiving aid in all eligible counties. Services provided to persons covered by these federal provisions include employment-related and English language training services.

Existing law also provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons, including noncitizens who meet specific qualifications under the Cuban-Haitian Entrant Program and the Refugee Resettlement Program for health care services.

Existing federal law also prohibits the provision of state or local public benefits, as defined, to certain noncitizens unless specifically provided for in state law.

This bill would extend eligibility for certain state and local benefits, including, but not limited to, refugee cash assistance, Medi-Cal, and employment social services, to qualified noncitizen victims of trafficking, domestic violence, and other serious crimes, as defined, who can demonstrate their eligibility for these programs, as specified. It would also provide that these victims shall be eligible for state or local public benefits and services, to the same extent that persons are eligible pursuant to the federal Refugee Act of 1980. By increasing counties' responsibility for administering and determining eligibility for various services, programs, and benefits, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law requires the State Department of Social Services to establish and supervise a county- or county consortia-administered program to provide cash assistance to aged, blind, and disabled legal immigrants who are not citizens and who successfully complete an application process.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 13283 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 13283. Notwithstanding any other provision of law, the
- 4 department shall ensure that noncitizen victims of trafficking,
- 5 domestic violence, and other serious crimes, as defined in
- 6 subdivision (b) of Section 18945 have access to refugee cash

1 assistance, and refugee employment social services set forth in
2 this chapter, to the same extent as individuals who are admitted
3 to the United States as a refugee under Section 1157 of Title 8 of
4 the United States Code, whether these services, assistance, or
5 programs are federally or state funded, or both. These
6 individuals shall be subject to the same work requirements and
7 exemptions as other participants, provided that compliance with
8 these requirements is authorized by law. An exemption from
9 these requirements shall be available if physical or psychological
10 trauma related to or arising from the victimization impedes their
11 ability to comply.

12 SEC. 2 Section 14005.2 of the Welfare and Institutions Code
13 is amended to read:

14 14005.2. Unless otherwise specified in this chapter, the
15 eligibility of a person eligible under the Cuban-Haitian Entrant
16 Program or the Refugee Resettlement Program for health care
17 services under Section 14005 shall be determined by applying the
18 same income and resource methodologies and standards and all
19 other eligibility criteria established pursuant to this chapter that
20 are applied by the department in determining the eligibility of a
21 medically needy family person, except for those criteria that
22 establish categorical relatedness, and only as long as federal
23 funds are available. *Victims of trafficking, domestic violence, and*
24 *other serious crimes, as defined in subdivision (b) of Section*
25 *18945, shall be eligible for these services to the same extent as*
26 *individuals who are admitted to the United States as a refugee*
27 *under Section 1157 of Title 8 of the United States Code, whether*
28 *these services are federally or state funded, or both.*

29 SEC. 3. Chapter 10.4 (commencing with Section 18945) is
30 added to Part 6 of Division 9 of the Welfare and Institutions
31 Code, to read:

32
33 CHAPTER 10.4. SERVICES AND BENEFITS FOR NONCITIZEN
34 VICTIMS OF TRAFFICKING, DOMESTIC VIOLENCE, AND OTHER
35 SERIOUS CRIMES
36

37 18945. (a) Noncitizen victims of trafficking, domestic
38 violence, and other serious crimes, as defined in subdivision (b),
39 shall be eligible for state and local public benefits and services to
40 the same extent as individuals who are admitted to the United

1 *States as a refugee under Section 1157 of Title 8 of the United*
2 *States Code. These services shall include, but shall not be limited*
3 *to, refugee cash assistance, refugee medical assistance, and*
4 *refugee employment social services set forth in Chapter 5.5*
5 *(commencing with Section 13275), and Section 14005.2, of Part*
6 *3 of Division 9, whether federally funded or state funded.*

7 *(b) For purposes of this section, victims of trafficking,*
8 *domestic violence, and other serious crimes shall be defined to*
9 *include both of the following:*

10 *(1) Noncitizen victims of a severe form of trafficking in*
11 *persons, who have been subjected to an act or practice described*
12 *in Section 7102 (8) or (9) of Title 22 the United States Code or*
13 *Section 236.1 of the Penal Code.*

14 *(2) Individuals who have applied for status under Section*
15 *1101(a)(15)(U)(i) or (ii) of Title 8 of the United States Code.*

16 *(c) For purposes of this section, Section 13283 and Section*
17 *14005.2:*

18 *(1) In determining whether an applicant has been a victim of a*
19 *severe form of human trafficking, the state or local agency shall*
20 *consider all relevant and credible evidence. A sworn statement*
21 *by a victim, or a representative if the victim is not able to*
22 *competently swear, shall be sufficient if at least one item of*
23 *additional evidence is also provided, including, but not limited*
24 *to, any of the following:*

25 *(A) Police, government agency, or court records or files.*

26 *(B) News articles.*

27 *(C) Documentation from a social services, trafficking, or*
28 *domestic violence program, or a legal, clinical, medical, or other*
29 *professional from whom the applicant or recipient has sought*
30 *assistance in dealing with the crime.*

31 *(D) A statement from any other individual with knowledge of*
32 *the circumstances that provided the basis for the claim.*

33 *(E) Physical evidence.*

34 *(2) If the victim cannot provide additional evidence, then the*
35 *sworn statement shall be sufficient if the county or state agency*
36 *makes a determination documented in the case file that the*
37 *applicant is credible.*

38 *SEC. 4. If the Commission on State Mandates determines that*
39 *this act contains costs mandated by the state, reimbursement to*
40 *local agencies and school districts for those costs shall be made*

1 *pursuant to Part 7 (commencing with Section 17500) of Division*
2 *4 of Title 2 of the Government Code.*

3 ~~SECTION 1. Section 18937 of the Welfare and Institutions~~
4 ~~Code is amended to read:~~

5 ~~18937. The State Department of Social Services shall~~
6 ~~establish and supervise a county or county~~
7 ~~consortia-administered program to provide cash assistance to~~
8 ~~aged, blind, and disabled legal immigrants who are not citizens~~
9 ~~and who successfully complete an application process. No~~
10 ~~application shall be required of individuals described in~~
11 ~~paragraph (1) of subdivision (b) of Section 18944. The~~
12 ~~department shall conduct the evaluations of disability for the~~
13 ~~program. If the federal government agrees to administer the~~
14 ~~program, then the department shall contract with the federal~~
15 ~~government for this purpose, and the county responsibilities shall~~
16 ~~be reduced by the duties and responsibilities undertaken by the~~
17 ~~federal government.~~